IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.119 OF 2007
IN
APPEAL FROM ORDER NO.18 OF 2007

Chandrakant R. Borahade & Ors. ..Applicant.

V/s.

Shri Dhananjay @ Bhau Baban Boradhade
& Ors. ..Respondents.

Mr. Sandeep Naik for N.V.Vechalekar for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 21, 2007.

P.C. :

1. None appears. Dismissed for non-prosecution.

2. Later on Mr.Naik, advocate for applicants appeared and mentioned the matter for restoration of the application, as he was held up in some other court. For the reasons mentioned across the bar, request for recalling the order passed in morning session is accepted. Accordingly, civil application is restored to the file to its original number and heard immediately.

3. The explanation offered in this application is unacceptable. The advocate cannot give preference

to appear before the subordinate court and ignore to appear before this court. However, as the litigant should not suffer for mistake of the advocate on record, this application is allowed in terms of prayer clause (a) on condition that advocate on record shall personally pay costs quantified at Rs.2,000/- to the High Court Legal Services Committee within one week from today, failing which earlier order will stand revived.